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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,196	04/16/2004	Mark Edin	S63.2-11395-US01	9799
490	7590	11/21/2005	EXAMINER	
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185			CRANE, DANIEL C	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/826,196

Applicant(s)

EDIN, MARK

Examiner

Daniel C. Crane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35 is/are allowed.
- 6) ☒ Claim(s) 1-23, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 6, 24-27 and 30-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/15/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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### **BASIS FOR REJECTIONS**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **REJECTION OF CLAIMS ON FORMAL MATTERS**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Failure to provide antecedence for "stationary mount" renders the subject matter

### **REJECTION OF CLAIMS OVER PRIOR ART**

Claims 1, 2, 7-10, 19, 20, 21 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (6,769,161). See Figures 10a-10c where the blades 610a-610d are arranged in overlapping manner.

Claims 1, 2, 7-10, 19-21 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Verbeek (WO 02/11646). See Figures 4A-6B where the blades 41, 42 are illustrated in an overlapping arrangement.

Claims 19-21 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Tarpill (5,138,864). The blades 17a, 17b, 23a and 23b are shown as overlapping.

Claims 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Djidics (2,409,549). The blades 12 (Figure 2) are arranged in overlapping manner.

Claims 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Norin (4,614,107). See Figure 6 and 7 where the blades 24 are provided with overlapping features. The collar is shown at 20.

Claims 13-18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (6,769,161) or Verbeek (WO 02/11646) either one further in view of Motsenbocker (6,925,847). The primary teachings do not disclose the thickness of the blades, however, it is clearly evident that the plate-like construction of each blade is relatively thin because of the workpiece, i.e., stent, being crimped. Motsenbocker makes evident the use of thin blades where the thickness can be in the range of 2-100 mm (see column 6, lines 6-25) to accommodate specific sized stents. It would have been obvious to the skilled artisan at the time of the invention to have modified either one of the devices taught therein by sizing the blades with a

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relatively thin thickness using the concepts taught by Motsenbocker so as to configure the blades to the stent size.

Claims 1-5, 7-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motsenbocker (6,925,847) in view of Norin (4,614,107). Motsenbocker illustrates the basic method of crimping a stent but does not show that the blades overlap. This is common in the hand tool art as evidenced by Norin in Figures 6 and 7. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Motsenbocker's method by using a tool of the type taught by Norin to effect the crimp of a stent so as to produce a superior shaping in the stent.

#### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claims 6 and 30-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 24-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 35 is allowed.

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#### **PRIOR ART CITED BY EXAMINER**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

#### **RESPONSE BY APPLICANT(S)**

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

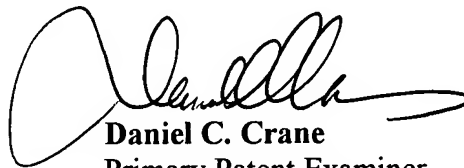
#### **INQUIRIES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at (571) 272-4419.

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Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571) 273-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is (571) 273-4516.

DCCrane  
November 16, 2005

A handwritten signature in black ink, appearing to read 'DCCrane', is positioned above the printed name and title.

**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725